

May 18, 2004 CPC



**STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION**

04TW0293

**Kevin Hughes
(Millside)**

Bermuda District

Lies on the western line of Lansmill Drive approximately 300 feet north of Swift Bluff Drive.

REQUEST: Development Standards Waiver to the Zoning Ordinance provision in Section 19-510(a)(1) to permit a boat to be parked in the front yard rather than the required rear yard. It should be noted that the request is a result of a complaint.

RECOMMENDATION

Staff recommends that Development Standards Waiver request be approved for the following reasons:

- A. The buffer is not unique to this lot. The buffer condition applies to all lots which border the railroad and the alternative solution preserves the intent of the buffer which was to provide visual protection and a distance separation from the railroad.
- B. The requested location is visible from the street and may have a negative impact on the neighborhood.
- C. The placement of the boat and associated shelter will not be a detriment to the neighborhood if moved to the location as shown on Attachment 6 that is behind the front of the home.

CONDITION

The boat and carport should be located on the southside of the property, a minimum of five (5) feet behind the entry porch in the area as generally depicted on Attachment 6.

GENERAL INFORMATION

Applicant/Owner:

Kevin Hughes

Location:

The western side of Lansmill Drive, also known as Millside, Lot 3, Block A, Section 1 and 17000 Lansmill Drive. Tax ID 801-630-6330 (Sheet 41).

Existing Zoning and Land Use:

MH2; Manufactured or Mobile Home Subdivision

Size:

0.191 acre

Adjacent Zoning and Land Use:

North, South, and East - MH2 – Occupied mobile home lot
West - Seaboard Coastline Railroad

BACKGROUND

The property owner is requesting permission to retain the boat parking in the front yard location because there is insufficient room on the northern side of the property to construct an enclosed shelter and meet the sideyard setback, a buffer currently restricts the use of the rear yard and there are numerous trees in the southern side yard. The applicant has submitted information to address the requirements of Section 19-19 regarding granting a Development Standards Waiver. (Attachments 2 and 3)

The applicant stated that the boat has been parked in the same location behind the driveway on the south side (left side) of the house under a carport type structure for several years prior to the department receiving a complaint. (See Attachments 4 and 5) The applicant does not believe the location poses a hazard and that the canopy is temporary in nature and could be removed at any time and therefore is not impairing the property values.

The Ordinance requires a boat to be parked in the rear yard (behind the house) at least five (5) feet from a side lot line and ten (10) feet from the rear lot line. After the property owner

reviewed the situation with Zoning Enforcement staff, it was concluded that a possible means to correct the violation would be by obtaining a Development Standards Waiver. Also, the carport structure does not meet the front yard setback and will require a Variance to be retained in its current location.

The buffer on the rear of the property was to provide some protection for residents from the adjacent railroad. The buffer was a condition of tentative subdivision approval and is not required by Code. The buffer was to be retained in its natural state and no recreational vehicles or storage sheds were to be located within the buffer. Numerous residents including the applicant have violated the buffer restrictions. On this lot, the buffer has been substantially cleared and currently there is a shed and utility trailer parked within the buffer area.

The recommended alternative location as shown on Attachment 6 utilizes an area of the southern side yard beginning at a point five (5) feet behind the entry porch and extending to the buffer. If the carport enclosure is relocated to this area it may require a front setback variance depending the size of the carport and the final location of the carport selected by the applicant.

CONCLUSIONS

Staff believes that based upon the investigation of the property, there is no physical hardship to require the parking of the boat in the front yard, and the alternative location is available. Staff further believes that approval of this request to park the boat in the front yard would be detrimental to the neighborhood and set precedence for approving other request for parking boats and recreational vehicles in the front yards.

ATTACHMENT 2



REQUIRED FINDINGS – Section 19-19

The Planning Commission may grant a Development Standards Waiver to development standards or requirements specified in the Zoning Ordinance if it is determined to be in substantial compliance with all of the following factors:

- (1) By reason of the exceptional narrowness, shallowness, size or shape of the specific piece of property or by reason of exceptional topographic conditions or other exceptional situation or condition relating to such property the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property.
- (2) The granting of the modification will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience, and the hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- (3) The modification will not be injurious to the use and enjoyment of adjacent property owners; will not diminish or impair property values within the neighborhood; will not change the character of the district; and will not be detrimental to or endanger the public health, safety or general welfare.
- (4) The condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter.
- (5) The granting of such modification will allow the project to comply with the Comprehensive Plan.

The Planning Commission shall not grant a modification to any development standard or requirement if:

- (1) The granting of the modification will constitute the granting of a variance, special exception, conditional use or a rezoning.
- (2) Ordinary financial considerations are the principal reason for the requested modification.
- (3) The modification amends a property-specific condition imposed by the Board of Supervisors or the Board of Zoning Appeals, unless such condition specifically grants such modification authority to the Planning Commission.
- (4) The applicant created the condition or situation generating the need for the modification and the applicant has not exhausted all other practicable solutions to the problem, including, but not limited to, the acquisition of additional property, the elimination or redesign of structures, or the reduction of development density.

Reasons why I am asking for a developmental standards waiver

1) I do not have the required amount of footage on each side of my home to build an enclosed shelter. I also have trees in my side yard and in the buffer zone.

2) Lansmill Drive has a median strip that allows traffic to come in one way and leave one way. From the front of my yard to the median strip is 22'. My boat is 7' wide and this will not allow for emergency vehicles to pass safely.

I also have a 50' buffer strip at the back of my home that starts at the back of my home and I am unable to park anything in this area.

3) My boat is currently 17' behind the county water meter, under a temporary canopy that can be removed at any time, (If the canopy is the major issue, it will be taken down) therefore not impairing property values. The boat sets 3' to 4' behind my driveway, therefore not causing any danger to public health.

4) Granting this modification will not cause an amendment to be adopted, for the reason that future residents, if property is ever sold, may not have a recreational vehicle.

5) Granting this modification will allow me to park my boat in compliance of Chesterfield County Zoning Ordinance section 19-510(a)(1)



1 MOBILE HOME

2 STORAGE FOR BOAT



